

IN RE: PETITION FOR SPECIAL HEARING BEFORE THE DEPUTY ZONING COMMISSIONER OF BALTIMORE COUNTY Case No. 94-77-SPH

NE/S Patterson Road, 1480' SE of Sweet Air Road (Parcel 1); NE/S Patterson Road, 1645' SE of Sweet Air Road (Parcel 2) (5330 Patterson Road) 11th Election District 6th Councilmanic District

Mark Scarff, Personal Repr. Estate of William Glenn Scarff - Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Deputy Zoning Commissioner as a Petition for Special Hearing filed by the owner of the property, the Estate of William Glenn Scarff, by Mark Scarff, Personal Representative, through his attorney, Keith R. Truffer, Esquire. The Petitioners request a special hearing to establish two 1.00-acre parcels, identified as Parcels 1 and 2 on Petitioner's Exhibit 1, the plan submitted to accompany the Petition filed, as valid building lots under the Baltimore County Zoning Regulations (B.C.Z.R.).

Appearing on behalf of the Petition were Glenn Mark and Judith Ann Scarff, Thomas R. and Maryland G. Reier, and Steven H. Gudeman. The Petitioner was represented by Keith R. Truffer, Esquire. Carol Treia, a nearby resident, appeared and testified as a Protestant in the matter.

Testimony indicated that the subject property, known as 5330 Patterson Road, is comprised of four parcels containing a combined area of 3.68 acres, more or less, zoned R.C. 2 and is improved with a two-story dwelling and detached garage. The Petition was filed to establish that two of the parcels, namely Parcels 1 and 2 as identified on Petitioner's Exhibit 1, are valid building lots. Mark Scarff testified that his father purchased the parcel on which the dwelling exists from his grandfather. Testimony indicated that the dwelling was built in 1950 and that he resided there from 1950 until 1967. Mr. Scarff testified that in 1952, his father purchased two adjoining parcels of land, identified herein as Parcels 1 and 2, which have remained unimproved. In 1984, the Petitioner's father acquired the fourth parcel to the east of the family home, which is also unimproved. The Petitioner testified that when Parcels 1 and 2 were created in 1952, the Zoning regulations permitted 1-acre parcels as buildable lots and Parcels 1 and 2 had the right to construct a dwelling thereon. The Petitioner filed the instant Petition to insure the right to construct a dwelling on both Parcels 1 and 2 continues to exist. Further testimony revealed that Thomas and Maryland Reier are desirous of purchasing Parcel 2 and the adjoining parcel containing 0.922 acres should this special hearing be granted.

Ms. Carol Treia appeared and testified in opposition to the Petitioner's request. Ms. Treia was concerned about additional homes being built along Patterson Road. She is especially concerned, given the small size of Parcels 1 and 2 when compared to other lots in the surrounding locale. Ms. Treia stated, however, that she would not be opposed to the granting of the relief sought if the Petitioner was, in fact, entitled to build on both of the lots in question.

After due consideration of the testimony and evidence presented, it appears the relief requested in the special hearing should be granted. It is clear that both Parcels 1 and 2 enjoyed the right to have a dwelling constructed thereon when those parcels were created in 1952. No change has been made to either parcel over the past 41 years in that both parcels have remained unimproved. I find that Parcels 1 and 2 are valid building lots, pursuant to the B.C.Z.R. It has been established that the requirements from which the Petitioner seeks relief would unduly restrict the use

ORDER RECEIVED FOR FILING  
Date 11/12/93  
By [Signature]

ORDER RECEIVED FOR FILING  
Date 11/12/93  
By [Signature]

ORDER RECEIVED FOR FILING  
Date 11/12/93  
By [Signature]

of the land due to the special conditions unique to this particular parcel. In addition, the relief requested will not be detrimental to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the special hearing should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this 14th day of October, 1993 that the Petition for Special Hearing to establish two 1.00-acre parcels, identified as Parcels 1 and 2 on Petitioner's Exhibit 1, as valid building lots under the Baltimore County Zoning Regulations (B.C.Z.R.), be and is hereby GRANTED, subject to the following restriction:

- 1) The Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

[Signature]  
TIMOTHY M. ROTHSCHILD  
Deputy Zoning Commissioner  
for Baltimore County

TMR:bjs

Baltimore County Government  
Zoning Commissioner  
Office of Planning and Zoning  
Suite 113 Courthouse  
400 W. Washington Avenue  
Towson, MD 21284

Keith R. Truffer, Esquire  
102 W. Pennsylvania Avenue  
Towson, Maryland 21284

RE: PETITION FOR SPECIAL HEARING  
94-77-SPH  
NE/S Patterson Road, 1480' and 1645' SE of Sweet Air Road  
(5330 Patterson Road - Parcels 1 and 2)  
11th Election District - 6th Councilmanic District  
Estate of William Glenn Scarff - Petitioners  
Case No. 94-77-SPH

Dear Mr. Truffer:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The petition for special hearing has been granted in accordance with the attached order.

In the event any party files an appeal, the County Board of Appeals, within thirty (30) days of the date of this order, the further information on filing an appeal, please contact the Zoning Administration and Development Management Office at 897-3191.

[Signature]  
TIMOTHY M. ROTHSCHILD  
Deputy Zoning Commissioner  
for Baltimore County

TMR:bjs

cc: Ms. Carol Treia  
5419 Patterson Road, Baldwin, Md. 21013

People's Council

[Signature]

Petition for Special Hearing to the Zoning Commissioner of Baltimore County for the property located at 5330 Patterson Road, Baltimore County which is presently zoned RC-2

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County to determine whether or not the Zoning Commissioner should approve establishment two 1-acre parcels identified as "Parcel 1" and "Parcel 2" on the attached plat as valid building lots under Baltimore County Zoning Regulations.

Property is to be posted and advertised as prescribed by Zoning Regulations. The undersigned, legal owner of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Zoning Regulations of Baltimore County to determine whether or not the Zoning Commissioner should approve establishment two 1-acre parcels identified as "Parcel 1" and "Parcel 2" on the attached plat as valid building lots under Baltimore County Zoning Regulations.

Case Number: 94-77-SPH  
Parcel 1: 1.00 acre  
Parcel 2: 1.00 acre  
Sweet Air Road, 1480' SE of Patterson Road, 1645' SE of Sweet Air Road  
11th Election District - 6th Councilmanic District

Legal Owner: Mark Scarff, P.R. of the Estate of William Glenn Scarff  
Signature: [Signature]

Attorney for Petitioner: Keith R. Truffer, Esq.  
Address: 102 W. Pennsylvania Avenue, (410) 823-1800  
Towson, Maryland 21284

ESTIMATED LENGTH OF HEARING: 15 minutes

REVIEWED BY: [Signature] DATE: 11/12/93

ORDER RECEIVED FOR FILING  
Date 11/12/93  
By [Signature]

GERHOLD, CROSS & ETZEL  
Registered Professional Land Surveyors  
SUITE 100  
320 EAST TOWSONTOWN BOULEVARD  
TOWSON, MARYLAND 21286-5318  
410-823-4470  
FAX 410-823-4473

ZONING DESCRIPTION OF 1.0 ACRE PARCEL OF LAND LOCATED IN THE ELEVENTH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

Beginning at a point in the centerline of Patterson Road which is 30 feet wide at a distance of 1480 feet, more or less, Southerly from the southerly side of Sweet Air Road, thence leaving said Patterson Road the following four (4) courses and distances, viz: North 69 degrees 45 minutes East 33.90 feet, North 69 degrees 45 minutes East 166.50 feet, North 26 degrees 25 minutes West 218.64 feet and South 69 degrees 45 minutes East 200.40 feet to the centerline of Patterson Road, thence along the centerline, South 26 degrees 25 minutes East 218.64 feet to the point of beginning.

Containing 1.0 Acre of land, more or less.  
Being Parcel 1 of Liber G.L.B. 2205 folio 453.



ITEM # 73

GERHOLD, CROSS & ETZEL  
Registered Professional Land Surveyors  
SUITE 100  
320 EAST TOWSONTOWN BOULEVARD  
TOWSON, MARYLAND 21286-5318  
410-823-4470  
FAX 410-823-4473

ZONING DESCRIPTION OF 1.0 ACRE PARCEL OF LAND LOCATED IN THE ELEVENTH ELECTION DISTRICT BALTIMORE COUNTY, MARYLAND

Beginning at a point in the centerline of Patterson Road which is 30 feet wide at a distance of 1645 feet, more or less, Southerly from the southerly side of Sweet Air Road, thence leaving said Patterson Road the following three (3) courses and distances, viz: North 69 degrees 45 minutes East 200.40 feet, South 26 degrees 25 minutes East 218.64 feet and South 69 degrees 45 minutes West 200.40 feet to the centerline of Patterson Road, thence along the centerline, North 26 degrees 25 minutes West 218.64 feet to the point of beginning.

Containing 1.0 Acre of land, more or less.  
Being Parcel 2 of Liber G.L.B. 2205 folio 453.



ITEM # 73

CERTIFICATE OF POSTING  
ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District: 11th Date of Posting: 11/12/93  
Posted for: Special Hearing  
Petitioner: Mark Scarff, P.R. of the Estate of William Glenn Scarff  
Location of property: 5330 Patterson Road, Baltimore County, MD  
Location of Signs: Along Patterson Road, 1480' and 1645' SE of Sweet Air Road  
Remarks:  
Posted by: [Signature] Date of return: 11/12/93  
Number of Signs: 2

CERTIFICATE OF PUBLICATION  
TOWSON, MD. Sept. 2, 1993

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Sept. 2, 1993

THE JEFFERSONIAN,  
LEGAL AD. - TOWSON  
[Signature]

Baltimore County  
Zoning Administration &  
Development Management  
111 W. Chesapeake Avenue  
Towson, Maryland 21284

Date: 8-17-93 114-77-SPH

MARK SCARFF  
5330 PATTERSON RD

030 - SPECIAL HEARING - \$ 50.00  
030 - SIGN - \$ 35.00  
TOTAL - \$ 85.00

01A0140122MICR  
PA 001024408-17-93

Please Make Checks Payable To: Baltimore County

Cashier Validation

TO: PETITENT PUBLISHING COMPANY  
September 2, 1993 Issue - Referential

Please forward billing to:  
Keith Truffer, Esq.  
102 W. Pennsylvania Avenue #600  
Towson, Maryland 21284  
410-824-1800

COPY

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21284 or

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21284 as follows:

CASE NUMBER: 94-77-SPH (Item 73)

5330 Patterson Road  
Parcel #1 - NE/S Patterson Road, 1480' +/- SE of c/l Sweet Air Road  
Parcel #2 - NE/S Patterson Road, 1645' +/- SE of c/l Sweet Air Road  
11th Election District - 6th Councilmanic  
Petitioner(s): Mark Scarff, PR Estate of William Glen Scarff

HEARING: WEDNESDAY, OCTOBER 6, 1993 at 9:00 a.m. in Rm. 106, County Office Building.

Special Hearing to establish two 1-acre parcels identified as "Parcel 1" and "Parcel 2" as valid building lots.

LAWRENCE E. SCHLITZ  
ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.

Baltimore County Government  
Office of Zoning Administration  
and Development Management

111 West Chesapeake Avenue  
Towson, MD 21284 (410) 887-3353

August 27, 1993

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21284 or

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21284 as follows:

CASE NUMBER: 94-77-SPH (Item 73)

5330 Patterson Road  
Parcel #1 - NE/S Patterson Road, 1480' +/- SE of c/l Sweet Air Road  
Parcel #2 - NE/S Patterson Road, 1645' +/- SE of c/l Sweet Air Road  
11th Election District - 6th Councilmanic  
Petitioner(s): Mark Scarff, PR Estate of William Glen Scarff

HEARING: WEDNESDAY, OCTOBER 6, 1993 at 9:00 a.m. in Rm. 106, County Office Building.

Special Hearing to establish two 1-acre parcels identified as "Parcel 1" and "Parcel 2" as valid building lots.

Arnold Jablon  
Director

cc: Mark Scarff  
Keith R. Truffer, Esq.

NOTES: (1) ZONING SIGN A POST MUST BE RETURNED TO RM. 106, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.  
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.  
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

Baltimore County Government  
Office of Zoning Administration  
and Development Management

111 West Chesapeake Avenue  
Towson, MD 21284 (410) 887-3353

September 27, 1993

Keith R. Truffer, Esquire  
102 W. Pennsylvania Avenue  
Towson, Maryland 21284

RE: Case No. 94-77-SPH, Item No. 73  
Petitioner: Mark Scarff, Estate of William Glen Scarff.  
Petition for Special Hearing.

Dear Mr. Truffer:

The Zoning Planning Advisory Committee (ZPAC) has reviewed the plan submitted with the above referenced petition. The attached response from each reviewing agency are not intended to indicate the approval/denial of the zoning action requested, but to ensure that all parties, local zoning commissioner, attorney and/or the petitioner, are made aware of issues or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZPAC that offer or request information on your petition. Outstanding comments are received from other members of ZPAC, I will forward them to you. Otherwise, any comment that is not informational will be placed on the hearing file. This petition was accepted for filing on August 27, 1993, and a hearing was scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

- The director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petition filing requirements can file their petitions with this office without the necessity of a preliminary review by zoning personnel.

MDTA  
Maryland Department of Transportation  
State Highway Administration

O. James Lighthizer  
Secretary  
Hal Kassoff  
Administrator

8-26-93

Ms. Helene Kehring  
Zoning Administration and  
Development Management  
County Office Building  
Room 109  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

Re: Baltimore County  
Item No. 473 (RT)

Dear Ms. Kehring:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not effected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

Bob Small  
for John Contestabile, Chief  
Engineering Access Permits  
Division

My telephone number is \_\_\_\_\_

Teletypewriter for Impaired Hearing or Speech  
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-3082 Statewide Toll Free  
707 North Calvert St., Baltimore, Maryland 21203-0717

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director  
Zoning Administration and  
Development Management

DATE: August 30, 1993

FROM: Pat Keller, Deputy Director  
Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):

Item Nos. 62, 71, 72, 73, 74, 76, 77, 78, 81, 82, 84, 86, 87 and 88.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by: Jeffrey W. Long

Division Chief: Daniel L. Kerns

PK/JL:lw

ZAC.62/PZONE/ZAC1

BALTIMORE COUNTY, MARYLAND

DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

INTER-OFFICE CORRESPONDENCE

September 13, 1993

TO: Mr. Arnold Jablon, Director  
Zoning Administration and  
Development Management

FROM: J. Lawrence Pilsner, DEPRM  
Development Coordinator

SUBJECT: Zoning Item #73 - Scarff Property  
5330 Patterson Road  
Zoning Advisory Committee Meeting of August 30, 1993

The Department of Environmental Protection and Resource Management offers the following comments on the above-referenced zoning item.

Development of the property must comply with the Forest Conservation Act and with the Regulations for the Protection of Water Quality, Streams, Wetlands and Floodplains.

Prior to the subdivision of land, soil percolation tests must be completed demonstrating the suitability of each lot to support a septic system.

JLP:sp

SCARFF/DEPRM/XTSHP

Baltimore County Government  
Office of Zoning Administration  
and Development Management

111 West Chesapeake Avenue  
Towson, MD 21284 (410) 887-3353

ZONING HEARING ADVERTISING AND POSTING REQUIREMENTS & PROCEDURES

Baltimore County Zoning Regulations require that notice be given to the general public/neighboring property owners relative to property which is the subject of an upcoming zoning hearing. For those petitions which require a public hearing, this notice is accomplished by posting a sign on the property and placement of a notice in at least one newspaper of general circulation in the County.

This office will ensure that the legal requirements for posting and advertising are satisfied. However, the petitioner is responsible for the costs associated with these requirements.

PAYMENT WILL BE MADE AS FOLLOWS:

- Posting fees will be assessed and paid to this office at the time of filing.
- Billing for legal advertising, due upon receipt, will come from and should be remitted directly to the newspaper.

NON-PAYMENT OF ADVERTISING FEES WILL STAY ISSUANCE OF ZONING ORDER.

Arnold Jablon, Director

For newspaper advertising:

Item No. 73  
Growth  
Petitioner: MARK SCARFF, PR of the Est. of William G. Scarff  
5330  
Location: PATTERSON RD., BALTIMORE COUNTY, MD

PLEASE FORWARD ADVERTISING BILL TO:

NAME: Keith Truffer  
ADDRESS: SUITE 600, 102 W. PENNSYLVANIA AVE  
TOWSON, MD 21284  
PHONE NUMBER: (410) 824-1800

Atty:gn

(Revised 04/09/91)

PROTESTANT(S) SIGN-IN SHEET

NAME: \_\_\_\_\_ ADDRESS: \_\_\_\_\_

DAVID TRULY 5433 13110250N Road Catonsville, Md. 21013

PLEASE PRINT CLEARLY

NAME ADDRESS

Kenneth Townsend 102 W. Raw Ave. Towson Md. 21284

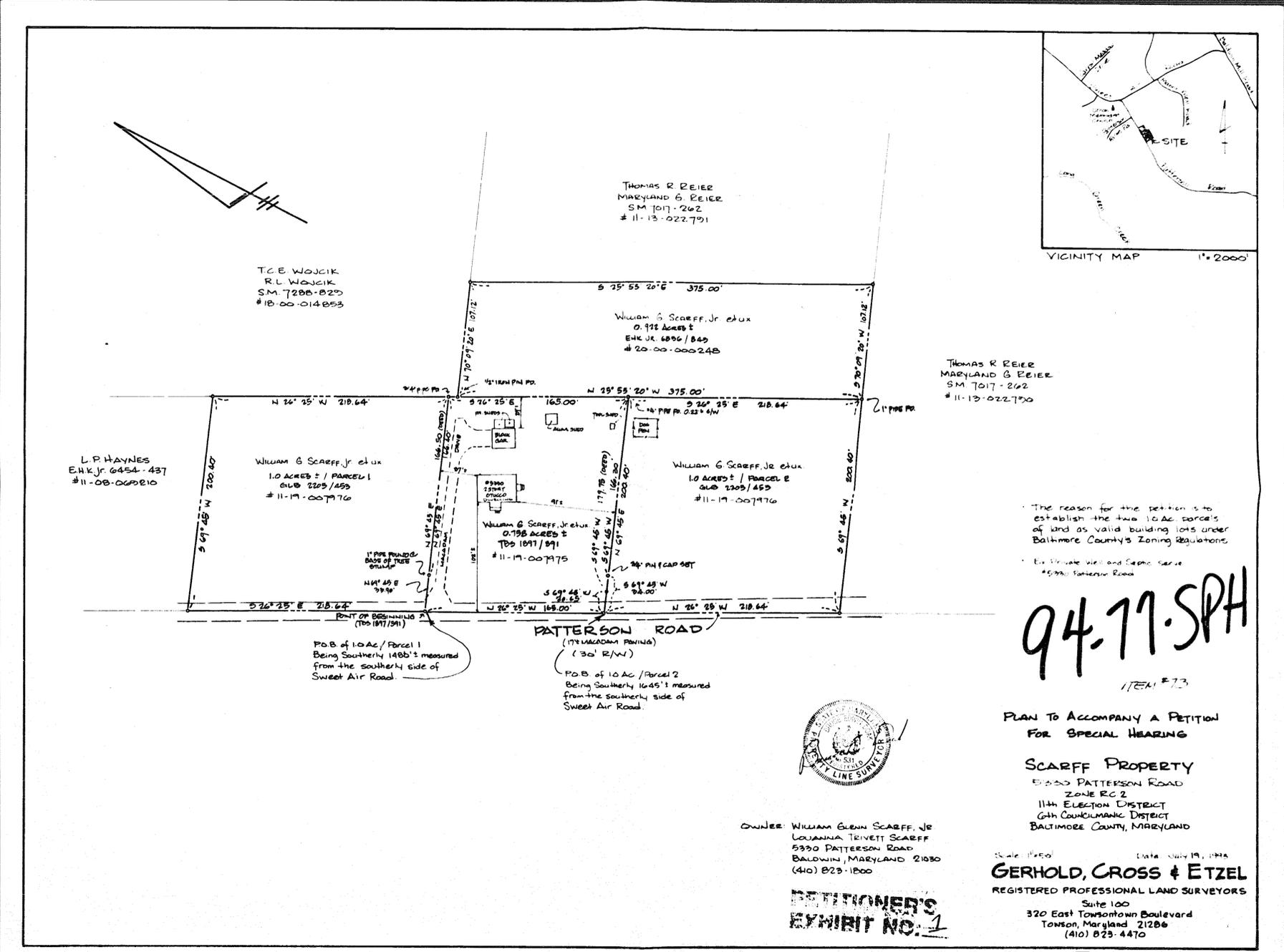
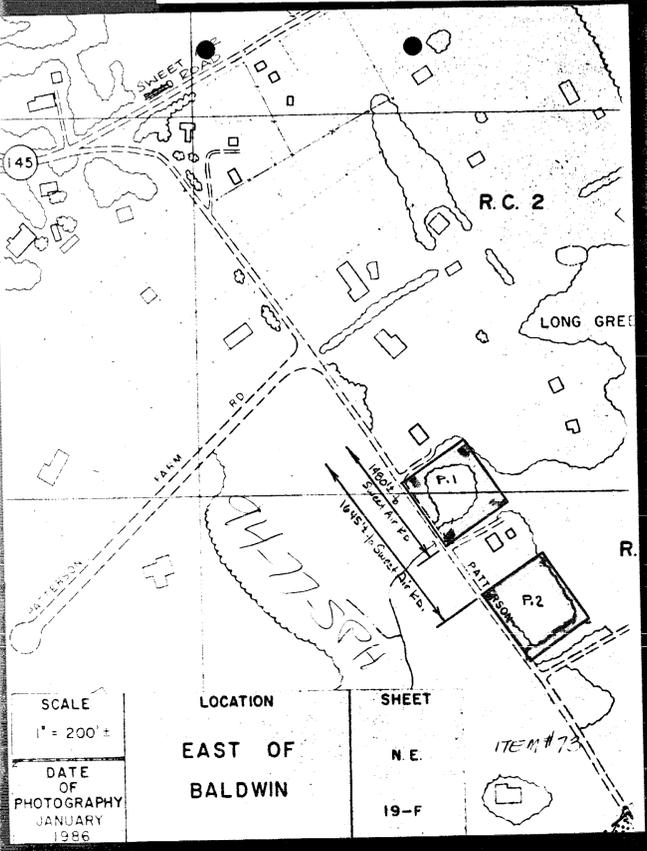
STEVEN H. GILDEFMANN 2200 STEAKTON RD THICKETTS MD 21151

Thomas G. Ruck 5408 Patterson Road Baltimore Md

Harold G. Reed 5405 Patterson Rd Baltimore Md 21203

Judith Ann Scarff 3329 Maple Grove Rd. Manassas Va 20108

Shawn Anne Scarff 3529 White Grove Rd. Manassas Va 20108



94-77-SPH

ITEM #73

PLAN TO ACCOMPANY A PETITION FOR SPECIAL HEARING

SCARFF PROPERTY

5250 PATTERSON ROAD

ZONE RC 2

11th ELECTION DISTRICT

6th CONGRESSIONAL DISTRICT

BALTIMORE COUNTY, MARYLAND

OWNER: WILLIAM GLENN SCARFF, JR.  
LOUANNIA TRIVETT SCARFF  
5390 PATTERSON ROAD  
BALDWIN, MARYLAND 21030  
(410) 823-1800

DATE: JULY 19, 1984

GERHOLD, CROSS & ETZEL

REGISTERED PROFESSIONAL LAND SURVEYORS

Suite 100  
320 East Towsontown Boulevard  
Towson, Maryland 21286  
(410) 823-4470

The reason for the petition is to establish the two 1.0 AC. parcels of land as valid building lots under Baltimore County's Zoning Regulations.

Exhibit A: Aerial and Aerial Stereo  
#5980 Patterson Road



PETITIONER'S EXHIBIT NO. 1

THIS DEED, made this 14<sup>th</sup> day of November, in the year nineteen hundred and fifty-two, by WILLIAM GLENN SCARFF and CHARLOTTE SCARFF, his wife, of Baltimore County, State of Maryland, parties of the first part, Grantors, to WILLIAM GLENN SCARFF, JR., and LOUANNA TRIVETT SCARFF, his wife, parties of the second part, Grantees.

WITNESSETH, that in consideration of the sum of Five (\$5.00) Dollars and other good and valuable considerations, receipt whereof is hereby acknowledged, the said parties of the first part do hereby grant and convey unto the said WILLIAM GLENN SCARFF, JR., and LOUANNA TRIVETT SCARFF, his wife, as tenants by the entireties, their assigns, the survivor of them, and the heirs and assigns of such survivor, in fee simple, all that piece or parcel of ground situate in Baltimore County, State of Maryland, and described as follows, that is to say:

**BEGINNING** for the same at a point in the middle of the Patterson Road, which said point is 1430 feet measured southerly along the middle of Patterson Road from the southerly side of Sweet Air Road and which said point is also South 69 degrees 48 minutes West and distance 33.90 feet from a piece of iron pipe driven on the northeast side of Patterson Road and on the North side of the entrance leading to the dwelling and garage lately erected on the lot now being described and running thence for lines of division through and across the lands of the grantors, geometrically to date: North 69 degrees 48 minutes East 136.50 feet to a stake, thence South 26 degrees 28 minutes East 165.00 feet to a stake, and thence South 69 degrees 48 minutes West 179.75 feet to a stake driven on the Northeast side of the aforesaid Patterson Road, and thence continuing the same line: South 69 degrees 48 minutes West 33.05 feet more to the middle of said road, and thence running thence with and bearing thence North 26 degrees 28 minutes West 136.00 feet to a point in the middle of the road, and thence leaving thence to the place of beginning; and containing 0.758 of an acre of land, more or less, as laid out by Surveyors and Surveyors on September 8th, 1950.

PETITIONER'S EXHIBIT NO. 2

THIS DEED, made this 14<sup>th</sup> day of November, in the year nineteen hundred and fifty-two, by WILLIAM GLENN SCARFF and CHARLOTTE SCARFF, his wife, of Baltimore County, State of Maryland, parties of the first part, Grantors, to WILLIAM GLENN SCARFF, JR., and LOUANNA TRIVETT SCARFF, his wife, parties of the second part, Grantees.

WITNESSETH, that in consideration of the sum of Five (\$5.00) Dollars and other good and valuable considerations, receipt whereof is hereby acknowledged, the said parties of the first part do hereby grant and convey unto the said WILLIAM GLENN SCARFF, JR., and LOUANNA TRIVETT SCARFF, his wife, as tenants by the entireties, their assigns, the survivor of them, and the heirs and assigns of such survivor, in fee simple, all those lots or parcels of ground situate, lying, and being in Baltimore County, State of Maryland, and described as follows, that is to say:

**BEGINNING** for the first on the northeast side of Patterson Road at the beginning of the 0.758 acre tract of land which by deed dated November 21, 1950, and recorded among the Land Records of Baltimore County in Liber T.B.S. No. 1897, folio 391, was conveyed by William Glenn Scarff, Sr., and wife to William Glenn Scarff, Jr., and wife and running thence with and binding on the first line in said description north 69 degrees 45 minutes east 166.50 ft. to the end of said line, thence leaving the outline of said tract of land for new division lines through the land of said grantors as follows: - north 26 degrees 25 minutes west 218.64 ft. to a stake and south 69 degrees 45 minutes west 200.40 ft. to the center of Patterson Road, thence running and binding on the center of Patterson Road south 26 degrees 25 minutes east 218.64 ft. to the beginning of the last line of the land in deed above referred to and thence running with and binding on said line north 69 degrees 45 minutes east 33.90 ft. to the place of beginning.

PETITIONER'S EXHIBIT NO. 3

This Deed, made this 27<sup>th</sup> day of November, in the year one thousand nine hundred and eighty-four, by and between WALTER C. MASLAND and HOWARD D. SMITH, JR., Personal Representatives of the Estate of Samuel Masland, Jr., deceased

of the first part, and GLENN W. SCARFF, JR. and LOUANNA SCARFF, his wife of the second part. Witnessed, That in consideration of the sum of No Consideration

the said Parties of the First Part, pursuant to Item Three A of the First Codicil to the Last Will and Testament of Samuel Masland, Jr.,

do grant and convey to the said Glenn W. Scarff, Jr. and Luanna Scarff, his wife, as tenants by the entireties, their assigns, or unto the survivor of them, his or her

personal representatives, heirs and assigns, in fee simple, all that lot of ground situate in Baltimore County, State of Maryland and described as follows, that is to say:

**BEGINNING** FOR THE SAME from the west corner of all that lot of ground described in a deed from Horbert J. East and wife to Samuel Masland dated April 20, 1956 and recorded among the Land Records of Baltimore County in Liber No. 2913, page 100, at the center line of Patterson Road running North 70° 9' 20" East 192.88 feet to the point of beginning, which is marked by a wooden fence post at the intersection of three fences and a one inch iron pipe driven flush with the ground; thence North 25° 55' 20" West 375' to an iron bar; thence North 70° 09' 20" East 107.12 feet; thence South 25° 55' 20" East 375 feet; thence South 70° 09' 20" West 107.12 feet to the point of beginning; containing 0.922 acres.

BEING a portion of that lot of ground conveyed by a Deed dated September 29, 1958 and recorded among the Land Records of Baltimore County in Liber No. 3432, page 639 from Helen B. Jackson to Samuel Masland, the decedent referred to herein; he having departed this life and the said Parties of the First Part having been appointed Personal Representatives of the Estate of said deceased by the Orphans' Court of Baltimore County in Estate No. 52446.

STATE DEPARTMENT OF ASSESSMENTS & TAXATION  
APPROVED FOR RECORD BY  
SECRETARY  
DATE 12/17/84  
TRANSFER TAX NOT REQUIRED  
BALTIMORE COUNTY, MARYLAND  
Notary Public  
J. M. [Signature]  
JAN 11 1985

PETITIONER'S EXHIBIT NO. 4

Balto. Co. Office Bldg.  
111 West Chesapeake Ave.  
Room 109  
Towson, Md 21204

Attn: Mr. Arnold Jablon  
Director of Z.A.D.M.

Dear Mr. Jablon,

On March 15th 1993 I entered into a contract to purchase a 1 acre lot on Patterson Rd in Balto. Co. known as Parcel 133 Tax Map 44. The parcel was created on November 21, 1952 qualifying it as a building lot under current law. However in an effort to expedite the processing of my building permit once I close, I am respectfully requesting a letter from your department indicating the validity of the lot which I can attach with the permit.

I have enclosed the following to aid you with the review:  
1. Tax Map parcel marked in green.  
2. Subject deed  
3. Deed plat  
4. \$40 review fee

If I can provide you with any additional information, a member of your staff can reach me during the day at 1-410-242-7917.

Very Truly Yours

Steven H. Gudeman

SHG/tgb

PETITIONER'S EXHIBIT NO. 5

May 11, 1993

Mr. Arnold Jablon  
Director of Z.A.D.M.  
Baltimore County Office Building  
111 West Chesapeake Avenue  
Room 109  
Towson, Maryland 21204

Dear Mr. Jablon:

I represent the estate of William Glenn Scarff, Jr., who died on November 3, 1992. Prior to his death, Mr. Scarff owned four parcels of property on Patterson Road in Baltimore County. The property is currently zoned RC-2. A plat of the property is enclosed.

The estate has contracted to sell two of the parcels identified as "Parcel 1, 1.0 acres" and the centermost improved parcel of .758 acres to Mr. Steven Gudeman. The remaining parcels are under contract of sale to another buyer.

The .758 acre parcel was created by Deed dated November 18, 1950. It is improved by a small residence and several outbuildings. The 1.0 acre parcel ("Parcel 1") was created by Deed dated November 7, 1952. It is unimproved. As to the two remaining parcels, the 1.0 acre ("Parcel 2") was also created by the Deed dated November 7, 1952; the back parcel of .922 acre was acquired by Mr. Scarff on November 27, 1984. Both of these parcels are unimproved. Mr. Scarff held all of these properties until his death. A copy of each of the deeds for all four parcels is enclosed.

On March 30, 1993, Mr. Gudeman requested a letter from your office indicating that the 1.0 acre lot, "Parcel 1," is a valid building lot. You referred the matter to Ms. Kate Milton for review and response.

Although Mr. Gudeman's request applied only to Parcel 1, the arguments are equally applicable to Parcel 2, and this parcel should also be considered as part of this request.

PETITIONER'S EXHIBIT NO. 6

Baltimore County Government  
Office of Zoning Administration  
and Development Management  
111 West Chesapeake Avenue  
Towson, MD 21204  
May 20, 1993 (410) 887-3353

Keith R. Truffer, Esquire  
Royston, Mueller, McLean & Reid  
The Royston Building, Suite 600  
102 West Pennsylvania Avenue  
Towson, MD 21204-4575

RE: Scarff Property  
NE/S Patterson Road, SE Patterson  
Farm Road  
Zoning: R.C.-2  
District: 11C3

Dear Mr. Truffer:

Thank you for your letter on behalf of the Scarff Estate as suggested by Mr. Milton and Mr. Richards in this office. Reference is also made to a letter from Mr. Steven Gudeman dated March 30, 1993 with regard to Parcel #1, which he has contracted to purchase. Subsequently, Ms. Milton was researching the property and was requested to withhold a response. This letter will address the three front parcels, inclusive of Mr. Gudeman's request. The four parcels on the attached plan are as follows:  
A. 0.758 Acres - Improved - TBS 1897/391 - Deed 1950  
B. 1.0 Acre - Vacant - GLB 2205/453 - Deed 1952 (Parcel #1)  
C. 1.0 Acre - Vacant - GLB 2205/453 - Deed 1952 (Parcel #2) (dog pen)  
D. 0.922 Acre - Vacant - EHK Jr 6836/843 - Deed 1984 (back parcel)

You have requested that this office confirm that both one acre parcels "B" and "C" are valid building lots. As suggested by this office, if the middle 0.75 acre parcel "A" was reconfigured to include a portion of or combined with the back parcel to meet the minimum lot size, the front three parcels would be separately confirmed as building lots.

A review of the four parcels and deeds submitted indicates that, with the exception of the 0.922 acre parcel acquired in 1984, it is clear that the two one acre parcels and the 0.758 acre parcel were in the past and now are valid separate lots of record for the purpose of determining R.C.-2 density compliance. As stated above, if all parcels contained the current one acre minimum lot size, the zoning review would stop there. However, assuming that these parcels were not included on a plan or subdivision plat approved by the Planning Board or Planning Commission (Section 103.3, BCZR), and considering the contiguous ownership, the key to determining separate zoning compliance for each parcel is the middle 0.758 acre parcel. This parcel by itself would obviously be undersized (less than the current required one acre minimum lot size), although improved and valid by recorded description and

PETITIONER'S EXHIBIT NO. 7